

REMARKS

The claims are 1-21, with claims 1, 6, 11 and 16 being independent.

The title has been amended in accordance to the title established by the International Searching Authority.

The Examiner contends that the present claims lack unity of invention under PCT Rules 13.1 and 13.2 and has divided the claims in this application into four (4) specified groups, as follows:

Group I: - claim(s) 1-21, drawn to products of formula (I) wherein X is S, R¹ is optionally substituted thiophene; R² is optionally substituted Ar-C₀₋₆alkyl; R³ is H, optionally substituted C₁₋₆alkyl, C₃₋₆alkenyl, C₃₋₆alkynyl, methods of preparation and methods of use.

Group II: - claim(s) 1-21, drawn to products of formula (I) wherein X is S, R¹ is optionally substituted furan; R² is optionally substituted Ar-C₀₋₆alkyl; R³ is H, optionally substituted C₁₋₆alkyl, C₃₋₆alkenyl, C₃₋₆alkynyl, methods of preparation and methods of use.

Group III: - claim(s) 1, 6, 11, 16 and 17, drawn to products of formula (I) wherein X is O, R¹ is optionally substituted thiophene; R² is optionally substituted Ar-C₀₋₆alkyl; R³ is H, optionally substituted C₁₋₆alkyl, C₃₋₆alkenyl, C₃₋₆alkynyl, and methods of use.

Group IV: - claim(s) 1, 6, 11, 16 and 17, drawn to products of formula (I) wherein X is O, R¹ is optionally substituted furan; R² is optionally substituted Ar-C₀₋₆alkyl; R³ is H, optionally substituted C₁₋₆alkyl, C₃₋₆alkenyl, C₃₋₆alkynyl, and methods of use.

Applicants respectfully traverse this restriction requirement. In particular, Applicants wish to note that neither the International Searching Authority nor the International Preliminary Examining Authority considered the present claims to lack unity of invention under the PCT rules.

The Examiner contends that the alleged "vastness" of the claimed subject matter imposes a burden on "any" examination of the claimed subject matter. Applicants respectfully wish to note that the International Preliminary Examination Report in this case was prepared by the U.S. Patent and Trademark Office as the International Preliminary Examining Authority on the subject claims, without any objection to unity of invention. Accordingly, the Examiner's present position is not in accordance with the previous examination conducted in this case, which found claims 1-15, and 18-21 to meet the criteria for novelty, inventive step and industrial applicability under

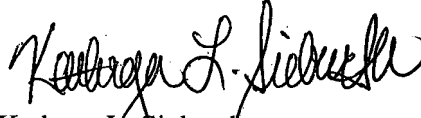
PCT Articles 33 (2)-(4). Withdrawal of the restriction requirement in this case is respectfully requested.

In the event that the Examiner does not withdraw the restriction requirement, Applicants elect claims 1-21 of Group II, for prosecution in this case.

This Amendment and Response are being filed within the one month shortened statutory period for reply for this case. Accordingly, no fees are due for consideration of this response.

However, authorization is hereby provided to charge any fees under 37 C.F.R. §1.16 or §1.17, which may be required by this paper to Deposit Account No. 19-2570.

Respectfully submitted,



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